

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNIFER RAE GEORGE,
An Incapacitated Person, by
RAYMOND G. GEORGE and
SUSAN M. GEORGE,
Guardians,
Plaintiffs

v.

CITY OF ERIE,
JOYCE SAVACCHIO,
PAUL DEDIONISIO,
RICHARD SZYCHOWSKI,
DAVID VAN BUSKIRK,
RICHARD CRAWFORD,
PATRICK DURKIN,
GREGORY T. DILORETO and
JOHN DOE,
Defendants

No. CA 04 – 77 E

TRIAL BY JURY OF TWELVE (12)
JURORS DEMANDED

PLAINTIFFS' NUNC PRO TUNC MOTION
FOR EXTENSION OF TIME
TO FILE RESPONSES TO DISPOSITIVE MOTIONS

The Plaintiffs, Jennifer Rae George, an incapacitated person, by Raymond G. George and Susan M. George, Guardians, by and through their attorney, Alan Natalie, Esquire, file this *Nunc Pro Tunc* Motion for Extension of Time to File Responses to Dispositive Motions, respectfully representing as follows:

1. This is an action filed pursuant to the Civil Rights Act of 1871, 42 U.S.C. Section 1883, alleging a constitutional injury inflicted on Jennifer Rae George by City of Erie police

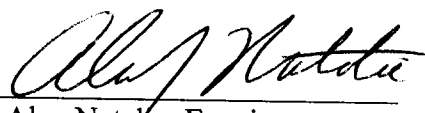
officer, Gregory DiLoreto, as a consequence of a motor vehicle collision Ms. George had with Officer DiLoreto on April 26, 2001.

2. This action was originally filed in the Court of Common Pleas of Erie County, Pennsylvania, and a Complaint was filed there on February 17, 2004.
3. This action was then removed to the U.S. District Court by the Defendants on March 12, 2004.
4. On April 12, 2004, the Defendants then filed a Motion to Dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12 (b) (6).
5. The Court heard argument and issued its ruling on the Defendants' Motion to Dismiss on May 17, 2004, sustaining, in part, Plaintiffs' Section 1983 substantive due process violation claims.
6. After mutually agreed-upon extensions, discovery closed in this matter with the City of Erie's final production of documents on June 3, 2005, relating to motor vehicle accidents involving police vehicles, and the supervisory responses to same.
7. On or about June 20, 2005, the Defendants filed motions for summary judgment consistent with the current case management order.
8. Pursuant to said order, the Plaintiffs responses were due on or before July 10, 2005.
9. The Plaintiffs' counsel has not yet filed responses to the pending dispositive motions as of this writing due to the significant task of reviewing, with his expert consultant, the voluminous accident and supervisory records produced from the City of Erie, some of which as late as June 3, 2005.

10. The Plaintiffs' counsel has requested, and anticipates receiving early next week, a critical report from his liability expert consultant which would assist the Plaintiffs in responding appropriately to the pending dispositive motions.
11. Accordingly, the Plaintiffs' counsel anticipates being in a position to file responses to the pending motions on or before Friday, July 22, 2005, leave of Court for which is hereby requested.
12. Prior to the filing of the instant *Nunc Pro Tunc* Motion for Extension, the undersigned counsel spoke by telephone with David Haber, Esquire, attorney for Defendant-DiLoreto, and Scott Dunlop, Esquire, attorney for the remaining supervisory and municipal defendants. Both defense counsel consented to the relief requested in the instant motion.
13. The relief requested would not prejudice the Defendants or cause significant delay to the disposition of the pending motions. More importantly, it would serve the Plaintiffs' pursuit of justice which would otherwise be harmed by their counsel's failure to comply with the current case management order.

WHEREFORE, the Plaintiffs respectfully request an extension until July 22, 2005, by which to file responses to the pending motions for summary judgment.

Respectfully submitted,

By 
Alan Natale, Esquire
Attorney for Plaintiffs
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TRIAL BY JURY OF TWELVE (12)
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CERTIFICATE OF SERVICE

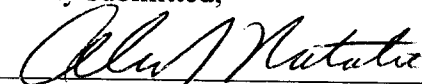
I hereby certify that I served true and correct copies of the foregoing Plaintiffs' *Nunc Pro Tunc* Motion for Extension of Time to File Responses To Dispositive Motions, to the following listed below this 14th day of July, 2005, by United States first class mail, postage prepaid:

Scott Dunlop, Esquire
Suite 2900, 600 Grant Street
Pittsburgh, PA 15219

David L. Haber, Esquire
602 Law and Finance Bldg.
429 Fourth Avenue
Pittsburgh, PA 15219-1503

Respectfully submitted,

By



Alan Natalie, Esquire
Attorney for Plaintiffs